10/692545

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FACSIMILE TRANSMITTAL

TO:

Name: Office of Patent Publication
Certificate of Corrections Branch

Firm: U.S. Patent & Trademark Office

Fax No.: 571-273-8300

FROM:

Name: Thomas H. Martin

Phone No.: 330-877-2277

No. of Pages (including this): 19

Subject: Request for Certificate of Correction
U.S. Patent No. 7,264,622
Issued: September 4, 2007
Gary Karlin Michelson
SYSTEM FOR RADIAL BONE DISPLACEMENT
Attorney Docket No.: 102.0003-05000
Customer No. 22882

Date: September 6, 2007

Confirmation Copy to Follow: No

Message:

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that the attached Request for Certificate of Correction ($100.00 fee is to be charged to Deposit Account No. 50-3726) with 2 sheets of Form PTO/SB/44 (in duplicate) and 11 pages of supporting documents are being facsimile transmitted to the U.S. Patent and Trademark Office on September 6, 2007.

Sandra L. Blackmon

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PATENT
Attorney Docket No. 102.0003-05000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. Patent of:	)	
Gary Karlin Michelson	)	(Serial No.: 10/692,545)
Patent No.: 7,264,622	)	
Issue Date: September 4, 2007	)	(Filed: October 24, 2003)
For: SYSTEM FOR RADIAL BONE DISPLACEMENT	)	

Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REQUEST FOR CERTIFICATE OF CORRECTION

Pursuant to 35 U.S.C. '§ 254 and 255 and 37 C.F.R. §§ 1.322 and 1.323, this is a request for the issuance of a Certificate of Correction in the above-identified patent. Two (2) copies of Form PTO/SB/44 are appended. The complete Certificate of Correction involves two (2) pages.

The mistakes identified in the appended Form to Title Page 2, column 1; Title Page 3, column 1, and Title Page 3, column 1 (FR 0179695 to EP 0179695) are of a clerical or typographical nature, or of minor character, and resulted from an error made in good faith by Applicant.

The remaining mistakes identified in the appended Form occurred through the fault of the Patent Office, as clearly disclosed by the records of the application which matured into this patent, and as evidenced in the attached copies of the following documents:

1. Page 9 of the Form PTO-1449 as filed with the IDS dated October 24, 2003, showing the correct date of the SU11078954 document;

2. Form PTO-1449 as filed with the IDS dated October 19, 2005, showing the correct spelling of the Daniaux document;
3. Page 3 of the January 16, 2007 Amendment, showing the correct language of issued claims 2 and 8 (pending claims 51 and 57, respectively);
4. Page 5 of the January 16, 2007 Amendment, showing the correct language of issued claims 19 and 20 (pending claims 63 and 64, respectively);
5. Page 6 of the January 16, 2007 Amendment, showing the correct language of issued claims 29 and 32 (pending claims 68 and 71, respectively);
6. Page 7 of the January 16, 2007 Amendment, showing the correct language of issued claims 38 and 41 (pending claims 77 and 80, respectively);
7. Page 9 of the January 16, 2007 Amendment, showing the correct language of issued claim 23 (pending claim 90);
8. Pages 10 and 11 of the January 16, 2007 Amendment, showing the correct language of issued claims 52 and 55 (pending claims 99 and 102, respectively);
9. Page 13 of the January 16, 2007 Amendment, showing the correct language of issued claims 61 and 66 (pending claims 110 and 115, respectively); and
10. Page 14 of the January 16, 2007 Amendment, showing the correct language of issued claim 69 (pending claim 118).

The requisite fee of $100.00 as set forth in 37 C.F.R. ' 1.20(a) to cover the costs of issuing this Certificate is to be charged to Deposit Account No. 50-3726.

Should any additional fees be needed, authorization is hereby given to charge any fees due in connection with the filing of this request to Deposit Account No. 50-3726.

Issuance of the Certificate of Correction containing the correction is earnestly requested.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: September 6, 2007

By: _____
Thomas H. Martin
Registration No. 34,383

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PTO/SB/44 (04-05)
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO.	:	7,264,622
APPLICATION NO.	:	10/692,545
ISSUE DATE	:	September 4, 2007
INVENTOR(S)	:	Gary Karlin Michelson

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title Page 2, Section (56) References Cited:
U.S. Patent Documents, column 1: delete "3,877,020 A 4/1975 Brunsting".

Title Page 3, Section (56) References Cited:
U.S. Patent Documents, column 1: change "4,936,848 A 6/1990 Babgy" to -- 4,936,848 A 6/1990 Bagby --;
Foreign Patent Documents, column 2: change "FR 0 179 695 4/1986" to -- EP 0179 695 4/1986 --; and
Foreign Patent Documents, column 2: change "SU 1107854 4/1984 to -- SU 1107854 8/1984 --.

Title Page 4, Section (56) References Cited:
Other Publications, column 1, line 4: change "Danlaux" to -- Danlaux --.

Column 29, Line 67:
Change "central longitudinal" to -- longitudinal central --.

Column 30:
Line 15: change "arm has" to -- surface is --; and
Line 19: change "a plane" to -- the plane --.

Column 31:
Line 23: change "and said shaft each have" to -- has --;
Line 26: change "arm has" to -- surface is --;
Line 30: change "a plane" to -- the plane --; and
Lines 45 and 46: change "central longitudinal" to -- longitudinal central --.

Column 32:
Line 25: change "abut a" to -- abut the --;
Line 26: delete "bone";
Line 43: change "central longitudinal" to -- longitudinal central --; and
Line 60: change "arm has" to -- surface is --.

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Column 33, Lines 12 and 13:
Change "central longitudinal" to -- longitudinal central --.

Column 34:
Line 40: change "bane" to -- bone --;
Line 42: change "Is" to -- Is --; and
Line 60: change "Said" to -- said --.

Column 36:
Line 2: change "central longitudinal" to -- longitudinal central --;
Lines 16 and 17: change "arm has a cutting surface adapted" to -- surface is --; and
Lines 35 and 36: change "central longitudinal" to -- longitudinal central --.

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Examiner's initial

		84/01298	04/1984	PCT			N/A
		91/06266	05/1991	PCT			N/A
		92/14423	09/1992	PCT			N/A
		93/01771	02/1993	PCT			N/A
		1063397	12/1983	Soviet Union			Yes
		1107854	08/1984	Soviet Union			Yes
		1124960	11/1984	Soviet Union			Abstract Only
		1217374	03/1986	Soviet Union			Abstract Only
		1222254	04/1986	Soviet Union			Abstract Only
Lit. 1		283078	05/1985	Spain			US Equivalent 4,877,020
		106 101	07/1939	Sweden			Partial

	OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)
	Adams, et al.; Outline of Orthopaedics, Eleventh Edition; Trunk and Spine, p. 194.
	Herkowitz, et al.; Principles of Bone Fusion; The Spine, Third Edition; Chapter 44, p. 1739.
	Muschler, et al.; The Biology of Spinal Fusion; Spinal Fusion Science and Technique, Cotler and Cotler, pp. 9-13.
	Zindrick, et al.; Lumbar Spine Fusion: Different Types and Indications; The Lumbar Spine, Vol. 1, Second Edition, pp. 588-593 (1996).
	Gillingham, F.J., et al.; Automatic Patient Monitoring in the Ward; Brit. J. Surg., Vol. 53, No. 10, pp. 864-866 (October 1966).
	Maloney, A.F.J., et al.; Clinical and Pathological Observations in Fatal Head Injuries, Brit. J. Surg., Vol. 56, No. 1, pp. 23-31 (January 1969).
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	Whatmore, W. J.; Sincipital Encephalomeningoceles; Brit. J. Surg., Vol. 60, No. 4, pp. 261-270 (April 1973).
	Whatmore, W. J.; Meningioma Following Trauma; Brit. J. Surg., Vol. 60, No. 6, pp. 496-498 (June 1973).
Lit. 1	Bagby, George W.; Wobbler Syndrome in Horses (the Ataxic Horse); Spokane County Medical Society Bulletin; Spring 1979 .
	Rathke, F.W., et al.; Surgery of the Spine; Atlas of Orthopaedic Operations, Vol. 1, p. 137, W.B. Saunders Co., Philadelphia (1979).
Lit. 1	Albrektsson, T., et al.; Osseointegrated Titanium Implants; Acta. Orthop. Scand.; Vol. 52:155-170 (1981).
Lit. 1	Raveh, J., et al.; Neue Rekonstruktionsmoglichkeiten des Unterkiefers bei knochernen Defekten nach Tumorresektionen; Der Chirurg Vol. 53:459-467 (1982).

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OMB 0651-0031

Substitute for FORM PTO-1449	Attorney Docket Number 102.0003-05000	Customer No. 22882	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION	Applicant Gary Karlin Michelson	Application Number 10/692,545	
(Use several sheets if necessary) Sheet 1 of 1	Filing Date October 24, 2003	Group Art Unit 3731	Examiner Uyen Ho

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	3,682,177	8/1972	Ames et al.			
	4,488,549	12/1984	Lee et al.			
	4,522,201	6/1985	Tongue			
	4,711,609	12/1987	Seefluth			
	4,733,995	3/1988	Aebi			
	Des. 312,310	11/1990	Michelson			
	5,049,150	9/1991	Cozad (deceased)			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)
	4 036 804	5/1992	Germany			Abstract Only
	1 050 383	12/1966	Great Britain			N/A

OTHER DOCUMENTS ***(Including Author, Title, Date, Pertinent Pages, Etc.)***

	Olerud, Sven et al.; TRANSPEDICULAR FIXATION OF THORACOLUMBAR VERTERBRAL FRACTURES; No. 227; February 1988; pp. 44-51.
	Edeland, H.G.; OPEN REDUCTION OF CENTRAL COMPRESSION FRACTURES OF THE TIBIAL PLATEAU, Preliminary Report of a New Method and Device Arrangement; Acta orthop. scand. 47, 1976; pp. 686-689.
*	Danlaux, H.; TRANSPEDIKULÄRE REPOSITION UND SPONGIOSAPLASTIK BEI WIRBELKÖRPERBRÜCHEN DER UNTEREN BRUST- UND LENDENWIRBELSÄULE; Unfallchirurg No. 89, Springer-Verlag 1986; pp. 197-213; with translation. *

EXAMINER	DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.

SEP 14 2007

permit said arm to extend beyond said distal end of said cannula when said shaft is inserted into said cannula.

51. (previously presented) The system of claim 50, wherein said surgical instrument further comprises a cylindrical portion having a height parallel to the longitudinal central axis of said shaft and a diameter transverse to the longitudinal central axis of said shaft, the diameter of said cylindrical portion being greater than the height of said cylindrical portion, said cylindrical portion forming a portion of said handle.

52. (previously presented) The system of claim 51, wherein said cylindrical portion is connected to said proximal end of said shaft.

53. (previously presented) The system of claim 51, wherein said handle has a width, the diameter of said cylindrical portion being greater than the width of said handle.

54. (previously presented) The system of claim 50, wherein said surface is a cutting blade.

55. (previously presented) The system of claim 50, wherein said surface forms a sharp tip.

56. (previously presented) The system of claim 50, wherein the length of said shaft is greater than the length of said handle.

57. (previously presented) The system of claim 50, wherein said surface is a cutting surface adapted to directly contact and cut cancellous bone in response to rotating said shaft, said cutting surface being adapted to make a radial cut through the cancellous bone in the plane perpendicular to the longitudinal central axis of said shaft.

58. (previously presented) A system for use in spinal surgery, said system comprising:

a tubular member having a proximal end, a distal end opposite said proximal end, a mid-longitudinal axis passing through said proximal and distal ends, a length from said proximal end to said distal end, a sidewall connecting

61. (previously presented) The system of claim 58, wherein said surface is a cutting blade.

62. (previously presented) The system of claim 58, wherein said surface forms a sharp tip.

63. (previously presented) The system of claim 58, wherein said gripping portion of said handle has a length, the length of said shaft being greater than the length of said gripping portion of said handle.

64. (previously presented) The system of claim 58, wherein said surface is a cutting surface adapted to directly contact and cut cancellous bone in response to rotating said shaft, said cutting surface being adapted to make a radial cut through the cancellous bone in the plane perpendicular to the longitudinal central axis of said shaft.

65. (previously presented) A system for use in spinal surgery, said system comprising:

a cannula having a proximal end, a distal end configured for engagement with at least one vertebral body of a human spine, a length therebetween, a mid-longitudinal axis passing through said proximal and distal ends, and a sidewall defining at least in part a passage connecting said proximal and distal ends, said sidewall completely surrounding the mid-longitudinal axis of said cannula along a majority of the length of said cannula; and

a surgical instrument comprising:

a shaft having a proximal end, a distal end, a longitudinal central axis, and a length between said proximal and distal ends, said instrument being adapted to be deployed into position to displace cancellous bone by movement of said shaft within and along said passage of said cannula;

an arm extending radially from said shaft proximate said distal end of said shaft, said arm terminating in a surface adapted to directly contact and displace cancellous bone in response to moving said shaft within said passage of said cannula, said surface having a maximum height from said shaft in a plane

perpendicular to the longitudinal central axis of said shaft, said arm having a longitudinal axis extending through said shaft and through said maximum height of said surface, said surface being adapted to make a path through the cancellous bone in a plane perpendicular to the longitudinal central axis of said shaft, the length of said shaft being sufficient to permit said arm to extend beyond said distal end of said cannula; and

a depth stop on said shaft adapted to limit over penetration of said shaft through said cannula.

66. (previously presented) The system of claim 65, wherein said depth stop comprises a shoulder circumferentially surrounding said shaft.

67. (previously presented) The system of claim 66, wherein said depth stop has a diameter greater than a diameter of said passage of said cannula.

68. (previously presented) The system of claim 65, wherein said depth stop includes a lower surface adapted to abut the proximal end of said cannula to limit movement of said instrument through said cannula.

69. (previously presented) The system of claim 65, wherein said surface includes a tip spaced apart from the longitudinal central axis of said shaft and said depth stop has an outer perimeter in a plane transverse to the longitudinal central axis of said shaft, at least a portion of the outer perimeter of said depth stop being closer to the longitudinal central axis of said shaft than said tip.

70. (previously presented) The system of claim 65, wherein said surgical instrument further comprises an elongated handle having opposed ends and a rounded gripping portion therebetween, said handle having a midpoint half-way between said opposed ends.

71. (previously presented) The system of claim 70, wherein said depth stop comprises a cylindrical portion having a maximum height parallel to the longitudinal central axis of said shaft and a diameter transverse to the longitudinal central axis of said shaft, the diameter of said cylindrical portion being greater than the maximum height of said cylindrical portion.

72. (previously presented) The system of claim 71, wherein said cylindrical portion is connected to said proximal end of said shaft.

73. (previously presented) The system of claim 70, wherein said gripping portion of said handle has a length and a width, the diameter of said cylindrical portion being greater than the width of said gripping portion of said handle.

74. (previously presented) The system of claim 65, wherein said surface is a cutting blade.

75. (previously presented) The system of claim 65, wherein said surface forms a sharp tip.

76. (previously presented) The system of claim 70, wherein said gripping portion of said handle has a length, the length of said shaft being greater than the length of said gripping portion of said handle.

77. (previously presented) The system of claim 65, wherein said surface is a cutting surface adapted to directly contact and cut cancellous bone in response to rotating said shaft, said cutting surface being adapted to make a radial cut through the cancellous bone in the plane perpendicular to the longitudinal central axis of said shaft.

78. (previously presented) The system of claim 65, wherein said arm has a maximum width transverse to the longitudinal axis of said arm, said surface having a maximum width parallel to the longitudinal central axis of said shaft, the maximum width of said surface being no greater than the maximum width of said arm.

79. (previously presented) The system of claim 65, wherein said surface has a point most distal from said proximal end of said shaft, said distal-most point of said surface extending no more distally than said distal end of said shaft.

80. (previously presented) The system of claim 65, wherein said surface has a point most distal from said proximal end of said shaft, said distal-most point of said surface being co-planar with said distal end of said shaft in a plane perpendicular to the longitudinal central axis of said shaft.

90. (previously presented) The system of claim 58, wherein said surface has a point most distal from said proximal end of said shaft, said distal-most point of said surface being co-planar with said distal end of said shaft in a plane perpendicular to the longitudinal central axis of said shaft.

91. (previously presented) The system of claim 58, wherein said surface has a straight cutting edge.

92. (previously presented) The system of claim 58, wherein said surface is multi-faceted.

93. (previously presented) A system for use in spinal surgery, said system comprising:

a tubular member having a proximal end, a distal end opposite said proximal end, a mid-longitudinal axis passing through said proximal and distal ends, a length from said proximal end to said distal end, a sidewall connecting said proximal and distal ends, and a hollow interior, said sidewall completely surrounding the mid-longitudinal axis of said tubular member along a majority of the length of said tubular member; and

a surgical instrument comprising:

an elongated handle having first and second opposed ends, a length therebetween, the length being the maximum dimension of said handle, and a rounded gripping portion along the length; and

an elongated member having a proximal end, a distal end, and a central longitudinal axis, said elongated member having a plane passing therethrough and extending along the central longitudinal axis, said proximal end of said elongated member being connected to said handle, the central longitudinal axis of said elongated member extending through said distal end and said handle between said first and second opposed ends, said elongated member having a bone-contacting surface having a perimeter with a first linear edge portion and a second linear edge portion opposite said first linear edge portion, at least one of said linear edge portions being adapted to contact and displace bone in

response to rotating said elongated member about its central longitudinal axis, said first and second linear edge portions of said bone contacting surface being on the same side of the plane extending along the central longitudinal axis of said elongated member;

each of said first and second opposed ends of said handle having a point most-distant from the central longitudinal axis of said elongated member, the length of said handle being in a longitudinal plane with the central longitudinal axis of said elongated member, said most-distant points of said first and second opposed ends of said handle being in respective first and second planes that are parallel to one another and perpendicular to the longitudinal plane, said bone-contacting surface of said elongated member being between the first and second planes of said first and second opposed ends of said handle.

94. (previously presented) The system of claim 93, wherein said bone-contacting surface is adapted to cut bone.

95. (previously presented) The system of claim 93, wherein said bone-contacting surface is adapted to make a radial cut through the bone in a plane perpendicular to the central longitudinal axis of said elongated member.

Claim 96 (cancelled).

97. (previously presented) The system of claim 93, wherein said first and said second linear edge portions are at an angle relative to one another.

98. (previously presented) The system of claim 93, wherein the length of said handle is perpendicular to the central longitudinal axis of said elongated member.

99. (previously presented) An apparatus for use in spinal surgery for displacing bone, said apparatus comprising:

a tubular member having a proximal end, a distal end opposite said proximal end, a mid-longitudinal axis passing through said proximal and distal ends, a length from said proximal end to said distal end, a sidewall connecting said proximal and distal ends, and a hollow interior, said sidewall completely

surrounding the mid-longitudinal axis of said tubular member along a majority of the length of said tubular member; and

a bone displacement device including a handle having opposed ends and a rounded gripping portion therebetween, an elongated member connected to said handle, said elongated member having a central longitudinal axis, and a bone displacement portion having a first bone-contacting edge and a second bone-contacting edge opposite said first bone-contacting edge, said first and second bone-contacting edges being at an angle relative to one another and at an angle to the central longitudinal axis of said elongated member, said bone displacement device having a length along said elongated portion that is greater than the length of said tubular member sufficient to permit said arm to extend beyond said distal end of said tubular member, said bone displacement portion having a height from the central longitudinal axis of said elongated member that permits at least a portion of said bone displacement portion to extend radially beyond the perimeter of said sidewall of said tubular member in a plane transverse to the mid-longitudinal axis of said tubular member.

100. (previously presented) The apparatus of claim 99, wherein said bone displacement portion is adapted to cut bone.

101. (previously presented) The apparatus of claim 99, wherein said bone displacement portion is adapted to make a radial cut through the bone in a plane perpendicular to the central longitudinal axis of said elongated member.

102. (previously presented) The apparatus of claim 99, wherein said handle has a length which is the maximum dimension of said handle, the length of said handle being perpendicular to the central longitudinal axis of said elongated member.

103. (previously presented) The apparatus of claim 99, wherein at least one of said edges is sufficiently sharp to make a radial cut into the bone.

104. (previously presented) The apparatus of claim 99, wherein said sidewall has an opening in communication with said interior of said tubular member.

of the handle, the length of said shaft being sufficient to permit said arm to extend beyond said distal end of said cannula; and

an arm extending radially from said shaft proximate said distal end of said shaft, said arm terminating in a surface adapted to directly contact and displace cancellous bone in response to moving said shaft, said arm having a longitudinal axis extending through said shaft and through said surface, said surface being adapted to make a path through the cancellous bone in a plane perpendicular to the longitudinal central axis of said shaft.

110. (previously presented) The system of claim 109, wherein said surgical instrument further comprises a cylindrical portion having a height parallel to the longitudinal central axis of said shaft and a diameter transverse to the longitudinal central axis of said shaft, the diameter of said cylindrical portion being greater than the height of said cylindrical portion, said cylindrical portion forming a portion of said handle.

111. (previously presented) The system of claim 110, wherein said cylindrical portion is connected to said proximal end of said shaft.

112. (previously presented) The system of claim 110, wherein said handle has a width, the diameter of said cylindrical portion being greater than the width of said handle.

113. (previously presented) The system of claim 109, wherein said surface is a cutting blade.

114. (previously presented) The system of claim 109, wherein said shaft has a length, the length of said shaft being greater than the length of said handle.

115. (previously presented) The system of claim 109, wherein said surface is adapted to directly contact and cut cancellous bone in response to rotating said shaft, said cutting surface being adapted to make a radial cut through the cancellous bone in the plane perpendicular to the longitudinal central axis of said shaft.

116. (previously presented) The system of claim 109, wherein said arm has a maximum width transverse to the longitudinal axis of said arm, said surface

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having a maximum width parallel to the longitudinal central axis of said shaft, the maximum width of said surface being no greater than the maximum width of said arm.

117. (previously presented) The system of claim 109, wherein said surface has a point most distal from said proximal end of said shaft, said distal-most point of said surface extending no more distally than said distal end of said shaft.

118. (previously presented) The system of claim 109, wherein said surface has a point most distal from said proximal end of said shaft, said distal-most point of said surface being co-planar with said distal end of said shaft in a plane perpendicular to the longitudinal central axis of said shaft.

119. (previously presented) The system of claim 109, wherein said surface has a straight cutting edge.

120. (previously presented) The system of claim 109, wherein said surface is multi-faceted.

121. (new) The system of claim 93, wherein said first linear edge portion and said second linear edge portion are bisected by a mid-longitudinal axis therebetween, the mid-longitudinal axis between said first linear edge portion and said second linear edge portion extending through the central longitudinal axis of said elongated member.

122. (new) The system of claim 99, wherein said bone displacement portion having a longitudinal axis extending through the height of said bone displacement portion and through the central longitudinal axis of said elongated member.